

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. <u>10-</u></b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>July 27, 2010</u></b>
<b>HALYARD CARTER</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 1951(a) (robbery which</b>
	<b>:</b>	<b>interferes with interstate commerce</b>
	<b>:</b>	<b>- 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c) (using and carrying a</b>
	<b>:</b>	<b>firearm during a crime of violence - 2</b>
	<b>:</b>	<b>counts)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1)</b>
	<b>:</b>	<b>(convicted felon in possession of a</b>
	<b>:</b>	<b>firearm - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:</b>	<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Vincent's Pizza, located at 6452 Lansdowne Avenue in Philadelphia, Pennsylvania, was a pizza shop, which affected interstate commerce, and which sold, among other things, beverages, ice cream sandwiches and food products, that traveled in interstate commerce.

2. On or about December 3, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**HALYARD CARTER**

obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant CARTER unlawfully took and

obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$1,058 cash from employees of Vincent's Pizza and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employees, that is, by pointing a firearm at, demanding money from, and threatening the employees.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1), and (b)(3) and 2.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 3, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**HALYARD CARTER**

knowingly used and carried a firearm, that is, a handgun, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Section 1951(a).

In violation of Title 18, United States Code, Section 924(c).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

At all times material to this indictment:

1. Pete's Pizza, located at 5158 Haverford Avenue in Philadelphia, Pennsylvania, was a pizza shop, which affected interstate commerce, and which sold, among other things, beverages and food products, that traveled in interstate commerce.

2. On or about December 4, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**HALYARD CARTER**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant CARTER unlawfully took and obtained approximately \$130 cash from employees of Pete's Pizza and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employees, that is, by pointing a firearm at, demanding money from, and threatening the employees.

In violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 4, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**HALYARD CARTER**

knowingly used and carried a firearm, that is, a Bersa “Thunder” Ultra Compact .45 caliber handgun, serial no. 575332, loaded with three live hollow-point rounds of ammunition, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Section 1951(a).

In violation of Title 18, United States Code, Section 924(c).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 4, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**HALYARD CARTER**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Bersa “Thunder” Ultra Compact .45 caliber handgun, serial no. 575332, loaded with three live hollow-point rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1), set forth in this indictment, defendant

**HALYARD CARTER**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

- 1) One Bersa “Thunder” Ultra Compact .45 caliber handgun, serial no. 575332; and
- 2) three rounds of hollow-point .45 caliber ammunition.

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER**  
**United States Attorney**